

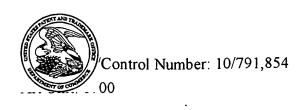
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,854	03/04/2004	Su-Jin Han	P57016	5248
ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004			EXAMINER	
			TURNER, KATHERINE ANN	
			ART UNIT	PAPER NUMBER
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			02/23/2009	PAPER

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The time period for reply, if any, is set in the attached communication.



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Mailed: 2/23/09 In re Application of SU-JIN HAN et al. Serial No. 10/791,854 Filed: March 4, 2004

For: SECONDARY BATTERY

DECISION ON PETITION

This is a decision on the PETITION UNDER 37 CFR §1.144 filed September 8, 2008.

On February 11, 2008, a restriction requirement was mailed. The restriction requirement set forth three groups of species and directed applicant to elect one species from each group. Applicants traversed the restriction requirement in a response filed October 27, 2006 and elected only from group I. A supplemental election was submitted on April 25, 2008. In the supplemental election applicants elected a species from group II and Group III also. On July 8, 2008 a non-final action was mailed wherein the restriction requirement was made final.

On September 8, 2008, the instant petition under 37 CFR §1.144 was filed to formally request the withdrawal of the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that an additional search of the non-elected claims would not impose a serious burden.

DECISION

Petitioner states that the examiner has failed to show any type of burden, much less a serious burden, in the restriction requirement, and thus the examiner must examine the entire application. Petitioner argues that the subject matter of the six species overlap and the mandatory fields of search for the six embodiments are coextensive. These arguments are persuasive. Although the examiner's requirement for restriction alleges an examination and search burden a strong case for such has not been established.

Application/Control Number: 10/791,854

Art Unit: 1700

Petitioner states that the examiner's search for generic claim 1 proves that the examiner has performed a search without any burden. Although this is not necessarily true in all cases, a review of the record indicates that examination of the recited species would not impose a serious burden.

Accordingly, the petition to withdraw the restriction requirement is **GRANTED**.

/JACQUELINE STONE/

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